

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Matthew John Hull,

Case No. 16-cv-3505 (WMW/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION AS MODIFIED**

MN Department of Corrections, MCF - St.
Cloud Medical/Mental Health, and MCF -
Rush City Medical/Mental Health,

Defendants.

This matter is before the Court on the December 14, 2016 Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. (Dkt. 9.) No objections to the Report and Recommendation have been filed in the time period permitted. In the absence of timely objections, this Court reviews a Report and Recommendation for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the Report and Recommendation, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The December 14, 2016 Report and Recommendation, (Dkt. 9), is **ADOPTED AS MODIFIED** as outlined herein;

2. Plaintiff's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b);

3. Plaintiff's application to proceed in district court without prepaying fees or costs, (Dkt. 2), is **DENIED AS MOOT**; and

4. Plaintiff's motion to amend, (Dkt. 5), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 1, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge